

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2629

AN ACT

AMENDING TITLE 13, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-421; RELATING TO JUSTIFICATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 13, chapter 4, Arizona Revised Statutes, is amended
3 by adding section 13-421, to read:

13-421. Justification: defensive display of a firearm; definition

A. THE DEFENSIVE DISPLAY OF A FIREARM BY A PERSON AGAINST ANOTHER IS JUSTIFIED WHEN AND TO THE EXTENT A REASONABLE PERSON WOULD BELIEVE THAT PHYSICAL FORCE IS IMMEDIATELY NECESSARY TO PROTECT HIMSELF AGAINST USE OR ATTEMPTED USE OF UNLAWFUL PHYSICAL FORCE OR DEADLY PHYSICAL FORCE.

B. THIS SECTION DOES NOT APPLY TO A PERSON WHO:

1. UNLESS OTHERWISE JUSTIFIED PURSUANT TO THIS CHAPTER, POINTS THE MUZZLE OF A FIREARM DIRECTLY AT ANOTHER PERSON.

2. UNLESS OTHERWISE JUSTIFIED PURSUANT TO THIS CHAPTER, DISCHARGES A FIREARM IN THE DIRECTION OF ANOTHER PERSON.

3. INTENTIONALLY PROVOKES ANOTHER PERSON TO USE OR ATTEMPT TO USE UNLAWFUL PHYSICAL FORCE WHEN THE PERSON POSSESSES A FIREARM.

4. USES A FIREARM DURING THE COMMISSION OF A SERIOUS OFFENSE AS

DEFINED IN SECTION 13-604 OR VIOLENT CRIME AS DEFINED IN SECTION 13-604.04.
C. FOR THE PURPOSES OF THIS SECTION, "DEFENSIVE DISPLAY OF A FIREARM"

INCLUDES:

1. VERBALLY INFORMING ANOTHER PERSON THAT THE PERSON POSSESSES OR HAS

AVAILIABLE AT FIREARM.

2. HOLDING, EXPOSING OR DISPLAYING A FIREARM IN A MANNER THAT A REASONABLE PERSON WOULD UNDERSTAND WAS MEANT TO PROTECT THE PERSON AGAINST ANOTHER'S USE OR ATTEMPTED USE OF UNLAWFUL PHYSICAL FORCE OR DEADLY PHYSICAL FORCE